

Applicant: SHACHOR, Gal
Serial Number: 10/697,183

REMARKS

Applicant asserts that the present invention is new, non-obvious and useful. Favorable reconsideration and allowance of the application are respectfully requested in view of the foregoing amendments and following remarks.

Status of the Claims

Claims 1-11 are pending in the application.

Claims 13-15, 17-23, 25 and 33 have been canceled, without prejudice or disclaimer.

Claims 1-3 have been amended.

No new matter has been added.

Voluntary Amendment of Claims

Applicant has voluntarily amended claims 1-3 to more particularly point out and distinctly claim the subject matter of some embodiments of the invention.

No new matter has been added.

Applicant has canceled claims 13-15, 17-23, 25 and 33 from further consideration in this application, without prejudice or disclaimer, to facilitate expeditious prosecution of the pending claims. Applicant does not concede that the subject matter encompassed by previous claims 13-15, 17-23, 25 and 33 is not novel or not patentable over any of the references cited, alone or in combination. Applicant respectfully reserves the right to pursue claims directed to the subject matter encompassed by previous claims 13-15, 17-23, 25 and 33, in one or more continuing applications.

Submission of Information Disclosure Statement

The Office Action required the Applicant to submit an Information Disclosure Statement (IDS) using form PTOL-1449 listing the reference "The Seven Levels of PACS Integration: a whitepaper", which was filed by the Applicant on January 2, 2008.

Accordingly, Applicant submits herewith form PTOL-1449 listing the above-mentioned reference, as well as a photocopy of that reference.

Applicant: SHACHOR, Gal
Serial Number: 10/697,183

Claim Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 1-7, 11, 13-15, 17-19, 21-23, 25 and 33 under 35 U.S.C. §103(a) as being unpatentable over Cooke, Jr. et al., United States Patent Number 6,574,629 (“Cooke”) in view of “Digital Imaging and Communications in Medicine” Supplement 10, Basic Worklist Management, 1996 (“Supplement 10”).

The Office Action also rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Cooke in view of Supplement 10 and further in view of Sechrest et al., United States Patent Number 6,910,106 (“Sechrest”).

The Office Action also rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Cooke in view of Supplement 10 and further in view of Bocionek, United States Patent Application Publication Number 2002/0091765 (“Bocionek”).

Claims 13-15, 17-23, 25 and 33 have been canceled, without prejudice or disclaimer.

Applicant respectfully submits that independent claim 1, as amended, recites features that are not disclosed, taught or suggested by any of the references of record, taken individually or in combination, including any combination of Cooke, Supplement 10, Sechrest and/or Bocionek.

For example, none of the references of record, taken individually or in combination, discloses, teaches or suggests the features “periodically querying by a prefetcher, using a Digital Image Communications in Medicine (DICOM) communications protocol, a DICOM modality worklist”, “querying said DICOM modality worklist by said at least one modality, at a configurable query rate, using said DICOM communications protocol, for information regarding at least one task scheduled to be performed by said at least one modality”, and “wherein said configurable query rate is based on at least one parameter selected from the group consisting of: time of day, and workload of said at least one modality”, as recited by independent claim 1, as amended.

It is noted that Cooke describes, at most, periodic queries that are performed at constant time intervals: “the PACS administrator prepares and loads MODS into the jukebox, supports requests for off-line volumes, and periodically checks station queues” (Cooke, column 9, lines 31-35); “the PAC broker can be programmed to update patient information in the core components periodically” (Cooke, column 13, lines 15-17).

The periodic operations of Cooke are fundamentally different from the operations recited in independent claim 1, as amended. Cooke describes, at most, only a single type of

Applicant: SHACHOR, Gal
Serial Number: 10/697,183

timing of operations, namely, “periodic” queries; whereas independent claim 1 recites two types of timing of DICOM queries, namely, “periodically” and “at a configurable query rate”. In addition, the operations in Cooke are performed at a non-changing rate, whereas independent claim 1 recites DICOM queries performed at a configurable rate. Furthermore, the configurable rate of DICOM queries recited in independent claim 1 is based on one or more particular parameters, namely, the time of day and the workload of the modality.

Applicant respectfully submits that the above-mentioned features recited in independent claim 1, as amended, would not have been obvious to one of ordinary skill in the art at the time the invention was made in view of the references of record. For example, features recited in independent claim 1, as amended, allow the system to flexibly utilize multiple types of DICOM queries, associated with multiple query rates and with different querying entities: periodical DICOM queries performed by the prefetcher (e.g., to ensure that data is prefetched properly), and configurable-rate DICOM queries performed by the modality (e.g., taking into account the workload of the modality, and/or the time of day).

Accordingly, Applicant respectfully submits that independent claim 1, as amended, is patentable over the references of record, taken individually or in combination, including any combination of Cooke, Supplement 10, Sechrest and/or Bocioneck. In addition, it is respectfully submitted that claims 2-11 are likewise patentable at least by virtue of their dependency on amended independent claim 1.

In view of the above, Applicant respectfully requests that the rejection of claims 1-11 under 35 U.S.C. §103(a) as being unpatentable be withdrawn.

Conclusion

In view of the foregoing amendment and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Applicant: SHACHOR, Gal
Serial Number: 10/697,183

The fee for a Petition for a One-Month Extension of Time is One Hundred and Twenty Dollars (\$120.00) for a large entity, for which electronic payment is provided herewith. However, The United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 09-0468 in the amount of \$120 and any additional fee which is necessary in connection with the filing of this amendment and petition.

Respectfully submitted,

By: /Suzanne Erez/
Suzanne Erez
Reg. No. 46,688
Phone No. (972) 4-829-6069

Date: 7 July 2008
IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598